

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



June 13, 1991

ALL COUNTY LETTER NO. 91-49

TO: ALL COUNTY WELFARE DEPARTMENTS

SUBJECT: AFDC-FC BEGINNING DATE OF AID

REFERENCE: ALL COUNTY LETTER (ACL) 90-110

The purpose of this letter is to notify County Welfare Departments (CWDs) of additional amendments to the Aid to Families with Dependent Children-Foster Care (AFDC-FC) beginning date of aid regulations. This letter supersedes ACL 90-110.

The additional amendments became effective April 26, 1991 (RDB# 1090-45). They were added in response to County testimony on the AFDC-FC beginning date of aid emergency regulations which became effective December 1, 1990, to incorporate the concept of "technical conditions of eligibility" found in the AFDC-Family Group/Unemployed Parent (FG/U) Program.

As of December 1, 1990, the beginning date of aid for AFDC-FC is the date of application if the child meets all eligibility conditions on that date, or the date on which the child meets all eligibility conditions, whichever is later. (See EAS 45-302.3)

The December 1990 regulations defined the date of application as the date on which a County receives a signed and dated application. In response to numerous County inquiries, the Department has amended EAS Section 45-302.321 to clarify this definition. The regulations further define the date all eligibility conditions are met as the date on which all applicable eligibility conditions, as specified in EAS Sections 45-201, 45-202 or 45-203, and 45-300, exist. Verification or documentation of these conditions may be received at a later date. These eligibility requirements include

but are not limited to proper authority for placement (an appropriate court order, relinquishment or voluntary agreement) and placement in an eligible facility.

The April amendments incorporate the following three technical conditions of eligibility: social security enumeration, application for unconditionally available income and child support requirements. These technical conditions of eligibility are considered to be met on the date of application for the purposes of determining the beginning date of aid for AFDC-FC as long as they are completed by the date of authorization. Please note that only three of the five AFDC-FG/U technical conditions of eligibility are identified for purposes of AFDC-FC. The fourth and fifth AFDC-FG/U technical conditions, work registration of the principal earner who is exempt from GAIN due to remoteness and work registration of the non-federal principal earner, are not applicable to AFDC-FC.

The regulations pertaining to social security enumeration are found in EAS Section 45-201.15, and by reference in Section 40-105.2. The regulations governing application for unconditionally available income are found in EAS Section 44-103. The regulations concerning child support requirements are found in EAS Section 45-201.3, and by reference in Sections 43-200, 43-201.2 and 43-203.

The following case examples may assist CWDs to interpret and implement these regulations.

Example #1

On the morning of the 5th, a child is removed from his or her home and placed in an eligible facility. On the 6th, a detention hearing is held and the County completes an application on behalf of the child. The detention order meets all requirements of EAS Section 45-202.41 (Federal) or 45-203.313 (State). On the 8th, the County determines that the child met all eligibility conditions on the 6th, including all technical conditions, authority for placement and eligible facility requirements. The County authorizes payment on the 8th. The date of application is the 6th and the date all eligibility conditions are met is the 6th. The beginning date of aid is the 6th.

Example #2

On the 10th, a child is removed from his or her home and placed in a non-eligible facility. A detention hearing is held on the 12th and the order meets all requirements of EAS 45-202.41 or 45-203.313. The CWD completes an application on the 14th and the

child is placed in an eligible facility on the 15th. The County determines that the child requires a social security number and completes an application for same on the 16th, thereby satisfying social security number enumeration requirements. Because social security enumeration is a technical condition of eligibility and was satisfied prior to the date of authorization, this eligibility requirement is considered to be met on the 14th, the date of application. On the 17th, the County determines that the child met all eligibility conditions on the 15th and authorizes payment. The date of application is the 14th and the date all eligibility conditions are met is the 15th. The beginning date of aid is the 15th.

Example #3

On the 25th, a child is placed in an eligible facility. A detention hearing is held on the 26th and the detention order meets all requirements of EAS 45-202.41 or 45-203.313. All conditions of eligibility are met on the 26th. The County completes an application for the child on the 28th. The County authorizes payment on the 3rd of the following month. The date of application is the 28th, the date all eligibility conditions are met is the 26th, and the date of authorizing action is the 3rd of the following month. The beginning date of aid is the 28th.

A copy of the amended regulations is attached. If you have any questions concerning the new AFDC-FC beginning date of aid, you may contact your Foster Care Program Consultant at (916) 445-0813.



ROBERT A. HOREL
Deputy Director
Welfare Program Division

Attachment

Amend MPP 45-302.321 and .322 to read:

45-302 PAYMENT (Continued)

45-302

.3 Beginning Date of Aid

.31 If the child is determined to be eligible, the beginning date of aid for AFDC-FC shall be the date of application if the child meets all eligibility conditions on that date, or the date on which the child meets all eligibility conditions, whichever is later.

.32 For purposes of .31 above:

.321 "The date of application" means the date on which ~~the county receives a signed and dated application/~~ an authorized county employee completes, signs and dates an application on behalf of a child, or the date on which the county receives a signed and dated application from the child's parent or a person other than a county employee.

.322 "The date on which the child meets all eligibility conditions" means the date that the following conditions exist, even though verification or documentation of the condition is received at a later date:

(a) All linking and nonlinking factors of eligibility are met, including deprivation of parental support or care, age, citizenship or alienage status, residence, property and income eligibility requirements; and

(b) All other applicable conditions of eligibility are met including, but not limited to, technical conditions of eligibility, authority for placement and eligible facility requirements, as specified in MPP 45-201, 45-202 or 45-203, and 45-300 are met. Technical conditions of eligibility as specified in MPP 45-302.322(c) are considered to be met on the date of application as long as the conditions are completed by the date of authorization.

(c) For purposes of determining the beginning date of aid for AFDC-FC, the technical conditions of eligibility are limited to social security enumeration, application for unconditionally available income and child support requirements.

.33 Other provisions pertaining to restoration of aid, intraprogram status changes and intercounty transfers are found in MPP 44-317.

Authority cited: Sections 10553, 10554, and 11209, Welfare and Institutions Code.

Reference: Section 11056, Welfare and Institutions Code.